In the High Court of Uttaranchal at Nainital.

Criminal Misc. Application No. 875/2001
(Old No. 1034/1995)

Gurumeet Singh Jiswal and four others…….Petitioners.

Vs.

Smt. Jagdish Kaur …. Respondent.

Hon'ble Irshad Hussain, J.

None appear for the petitioners. Heard Sri A. Rab learned Additional Government Advocate and perused the record.

This petition under section 482 of the Code of Criminal Procedure (for short 'Code') was filed for recalling and setting aside the order dated 3-9-1997 whereby the petition under section 482 of the 'Code' numbered as criminal miscellanous application no. 1034/1995 relating to summoning order had been disposed of finally and the stay order was vacated. In other words the order dated 3-9-1997 indicate that the order of taking cognizance of the offence was found justified. When the second petition for recalling the said order was filed no stay order was granted by the Allahabad High Court. It is thus obvious that for want of stay of the proceedings the criminal case no.793/1993 Smt. Jagdish Kaur versus Gurumeet Singh and others under section 498-A I.P.C., P.S. Kotwali, District Dehradun must have been decided or disposed of on merit by now.

Therefore the present petition for recalling of the earlier order had been rendered infructuous and the same is hereby dismissed. Consign.

Dated: 27-5-2004 **(Irshad Hussain, J.)**

ISB